

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Herbert Demond York,)	C/A No.: 1:20-1367-RMG-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Sgt. Ms. Williamson; Ofc. Ms.)	
McNyla; and Mr. Goodson,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights by Defendants. On August 31, 2020, defendants Williamson and Goodson filed a motion to dismiss. [ECF No. 30]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response by October 2, 2020. [ECF No. 32]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted.

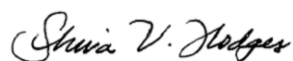
Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this case.¹ Based on the foregoing, Plaintiff is directed to advise the

¹ The undersigned issued a Report and Recommendation on September 28,

court whether he wishes to continue with this case and to file a response to the motion by October 20, 2020. Plaintiff is further advised that if he fails to respond, the undersigned will recommend this case be dismissed for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

October 6, 2020
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

2020, recommending McNyla be dismissed from this case.